

Notice of Allowability

Application No.

09/766,069

Applicant(s)

KAHN ET AL.

Examiner

Julian Mercado

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-04-03.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 19 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dean Edmundson on September 9, 2004.

The application has been amended as follows:

1. In claim 1 at line 8, --has a smooth continuous curvature in one direction, and wherein said curved target surface-- has been inserted after "surface".

Remarks

This Office action is responsive to appellant's amendment filed May 26, 2004.

Claims 1-17 are pending.

Claim Rejections - 35 USC § 103

Pursuant to the examiner's amendment above:

The rejection of claims 1-3 and 9 under 35 U.S.C. 103(a) based on Ceasar et al. (U.S. Pat. 4,376,688), Fu et al. (U.S. Pat. 5,914,018) and King (U.S. Pat. 4,108,751) has been withdrawn.

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The rejection of claims 4 and 5 under 35 U.S.C. 103(a) based on Ceasar et al., Fu et al., King and Pinarbasi (U.S. Pat. 5,492,605) has been withdrawn.

The rejection of claims 6, 7 and 13 under 35 U.S.C. 103(a) based on Ceasar et al., Fu et al., King and Quazi (U.S. Pat. 4,693,805) has been withdrawn.

The rejection of claim 8 under 35 U.S.C. 103(a) based on Ceasar et al., Fu et al., King and Arnold et al. (U.S. Pat. 5,423,971) has been withdrawn.

The rejection of claims 10-12 under 35 U.S.C. 103(a) based on Ceasar et al., Fu et al., King and Ion Beam Neutralization (Commonwealth Scientific Corporation) has been withdrawn.

Allowable Subject Matter

Claims 14-17 are allowed for the reasons already of record.

Claims 1-13 are allowed in view of appellant's amendment to the claims further defining the target as one having a smooth continuous curvature in one direction. This feature distinguishes from Fu et al. to the extent that the curved sections [102, 104, 106] in Fu et al. (Figure 5D) are discontinuous and curving in multiple directions.

Conclusion

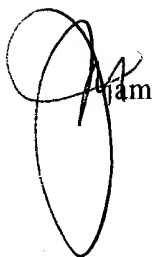
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



am

Patrick Ryan
SOE-AU1745